

## **Chesapeake Bay Exception CBE-11-030: 733 East Tazewell's Way, Kingsmill**

Staff report for the October 13, 2010 Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

### **Existing Site Data & Information**

Applicant: Matt Roth, Roth Environmental

Land Owner: Bradford and Anabel Crane  
733 East Tazewell's Way  
Williamsburg, VA 23185

Location: 733 East Tazewell's Way  
PIN: 5030400102

Parcel Size/Zoning: 0.43 +/- acres, R4 Residential  
Percent of Parcel in RPA: 79% (0.34 +/- acres)

Watershed: College Creek (HUC - JL34)

### **Proposed Impacts**

Impervious Area: approximately 230 square feet

RPA Encroachment Landward and seaward 50 foot RPA Buffer

### **Brief Summary and Description of Activities**

Mr. Matt Roth of Roth Environmental on behalf of Mr. and Mrs. Crane has applied for an exception to the Chesapeake Bay Ordinance for the encroachment into the RPA buffer for a retaining wall replacement/extension, patio reconstruction, and minor drainage outfalls.

The proposal will remove approximately 406 square feet of impervious cover (concrete driveway, landing, and wooden stairs) while the proposed retaining walls will add approximately 230 sq. ft. of impervious cover back into the RPA buffer. Therefore, there is a net reduction on approximately 176 sq. ft. of impervious cover within the RPA. The proposal will also remove 7 trees for the construction of the retaining walls. This proposal will prevent failure of the slopes and damage to the existing structures on the property. Proposed mitigation measures of 3 understory trees and 6 shrubs exceed the County requirement based on the proposed impervious cover. Staff discussed with the engineer for the project the idea of incorporating a rain garden concept planting plan into the wall design. This concept will not work well with the particular design due to the design characteristics of the wall.

The lot was recorded before the 1990 adoption of the Chesapeake Bay Preservation Ordinance. In this case, the exception request is for the replacement and extension of retaining walls, reconstruction of a

patio, and minor drainage outfalls, which will encroach into the 50' RPA buffer. Therefore in accordance with section 23-14 of the Ordinance, an exception must be processed by the Chesapeake Bay Board after a public hearing. Furthermore, staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

### **Staff Recommendation**

Staff has fully reviewed the application and exception request, including the WQIA, and has determined impacts associated with the proposal to be minimal for the proposed construction and that the proposed mitigation measures exceed requirements. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary local permits as required for the project.
2. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and with the proposed shrubs being of three gallon size.
3. A pre-construction meeting shall be held on-site prior to work commencing.
4. Full implementation of the RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) d. and 23-17(c) by providing a form of surety satisfactory to the County Attorney. Surety in this case shall be \$250.00.
5. All underdrains shall outlet at the edge of wetlands, not on steep slopes.
6. This exception request approval shall become null and void if construction has not been completed by October 13, 2011 including the required mitigation plantings.
7. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

### **Consideration by the Chesapeake Bay Board**

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-11-030 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-11-030 are included for the Board's use and decision.

Staff Report prepared by:

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Michael D. Woolson  
Senior Watershed Planner

CONCUR:

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Scott J. Thomas  
Secretary to the Board

Attachments: Sensitive Area Activity Application  
GIS photo